FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7095 OF 2005

Office notes, office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Ms.S.Y.Jahagirdar i/by P.S.Dani for the petitioner.

Ms.N.A. Dabhade for the Respondent.

CORAM : R.S. MOHITE,J.
DATED : 01/12/2005.

P.C.

1. This writ petition has been filed for challenging an order dated 4.8.2005 passed by the City Civil Court, Mumbai allowing an application filed by the defendant-Municipal Corporation for taking the written statement on record so that the matter can be disposed of on merits.

2. It was pleaded in the application that the facts as mentioned in the plaint are false and an order under Section 353-A was already implemented and the alleged structure was fully

demolished. It also appears that the suit was filed 14.10.2003 and writ of summons was served after 11 months thereafter, on 4.9.2004. The Trial Court has exercised its discretion and extended the time by way of exception allowing the defendant to file the written statement. It is also not clear as to when the suit itself came up on board. Taking over all view of the matter, I am not inclined to exercise my jurisdiction under Article 227. Hence, petition is disposed of.

(R.S. MOHITE, J.)